



Senate

General Assembly

File No. 854

January Session, 2007

Substitute Senate Bill No. 1270

Senate, May 21, 2007

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING NOTICE IN DRAM SHOP ACTIONS INVOLVING DEATH OR INCAPACITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-102 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2007, and*
3 *applicable to causes of action arising on or after said date*):

4 If any person, by such person or such person's agent, sells any
5 alcoholic liquor to an intoxicated person, and such purchaser, in
6 consequence of such intoxication, thereafter injures the person or
7 property of another, such seller shall pay just damages to the person
8 injured, up to the amount of two hundred fifty thousand dollars, or to
9 persons injured in consequence of such intoxication up to an aggregate
10 amount of two hundred fifty thousand dollars, to be recovered in an
11 action under this section, provided the aggrieved person or persons
12 shall give written notice to such seller within one hundred twenty days
13 of the occurrence of such injury to person or property of such person's
14 or persons' intention to bring an action under this section. In

15 computing such one-hundred-twenty-day period, the time between
16 the death or incapacity of any aggrieved person and the appointment
17 of an executor, administrator, conservator or guardian of such person's
18 estate shall be excluded, except that the time so excluded shall not
19 exceed one hundred twenty days. Such notice shall specify the time,
20 the date and the person to whom such sale was made, the name and
21 address of the person injured or whose property was damaged, and
22 the time, date and place where the injury to person or property
23 occurred. No action under the provisions of this section shall be
24 brought but within one year from the date of the act or omission
25 complained of. Such injured person shall have no cause of action
26 against such seller for negligence in the sale of alcoholic liquor to a
27 person twenty-one years of age or older. Notwithstanding the
28 provisions of this section, as of the date of the appointment of such
29 executor, administrator, conservator or guardian of such person's
30 estate, such executor, administrator, conservator or guardian shall
31 have sixty days to give written notice of intent to bring an action
32 against such seller under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007, and applicable to causes of action arising on or after said date</i>	30-102

GL *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes procedural changes to certain dram shop civil actions. There is no substantial impact to the workload of the Judicial Department as a result.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1270*****AN ACT CONCERNING NOTICE IN DRAM SHOP ACTIONS INVOLVING DEATH OR INCAPACITY.*****SUMMARY:**

The Dram Shop Act makes a liquor seller liable if the seller or his or her employee sells liquor to an already intoxicated person who injures a person or property. An injured party has 120 days to notify the seller of an incident and his or her intention to sue for damages.

If the injured person dies or is incapacitated, this bill (1) excludes up to 120 days between the death or incapacity and the appointment of an executor, administrator, conservator, or guardian from the 120-day deadline and (2) gives the executor, administrator, conservator, or guardian up to 60 days after appointment to give written notice of intent to bring an action.

EFFECTIVE DATE: July 1, 2007 and applicable to causes of action arising on or after that date.

BACKGROUND***Dram Shop Act***

The Dram Shop Act does not require proof that the seller acted negligently. The maximum amount that can be recovered is \$250,000 for injuries to a single person and \$250,000 in aggregate for injuries to more than one person. The actual amount of liability in a particular case is determined in court.

Legislative History

The Senate referred the bill (File 526) to the General Law Committee which reported a substitute bill adding the provision giving the

executor, administrator, conservator, or guardian no more than 60 days after appointment to give written notice of intent to bring an action.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (04/02/2007)

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (05/09/2007)